

PLANNING COMMISSION

ACTION MINUTES

TUESDAY, JUNE 20, 2000

Chair Parsons called the meeting to order at 7:10 p.m. at the Twin Pines Senior and Community Center.

PRESENT, COMMISSIONERS: Petersen, Mathewson, Purcell, Parsons

ABSENT, COMMISSIONERS: Peirona (arrived at 7:15 p.m.), Wiecha

PRESENT, STAFF: Interim Community Development Director Macris, Principal Planner de Melo, Senior Planner John Livingstone, City Attorney Jean Savaree, Recording Secretary Wong

AGENDA STUDY SESSION: Commissioner Purcell asked if the reference about the number of trees on the landscape plans was an oversight regarding the Notre Dame High School gymnasium. Senior Planner Livingstone responded that the staff report showed the correction. Regarding Avon Street, Commissioner Petersen noted that the tree in the front was a maple rather than an oak and there was a very large tree in the back of the property that was not discussed.

AGENDA AMENDMENTS: None.

COMMUNITY FORUM (Public Comments): None.

CONSENT CALENDAR

Action Minutes of May 16, 2000

MOTION: By Commissioner Purcell, seconded by Commissioner Mathewson to approve the minutes.

AYES: Petersen, Mathewson, Purcell, Parsons

ABSENT: Peirona, Wiecha

PUBLIC HEARINGS

Continued Public Hearing - 819 Miramar Terrace; To consider design review and floor area ratio exception to construct a ground floor and second story addition of approximately 1,403 sq. ft. to an existing 2,874 sq. ft. home. The proposed new total would be 4,277 sq. ft. where the maximum permitted is 3,500 sq. ft. The site is 16,813 sq. ft. in area and contains a 6.6% slope that permits a 0.533 floor area ratio (FAR). Without the Ordinance cap, the permitted floor area would be 8,961 sq. ft. The existing FAR is 0.171 and the proposed FAR is 0.254 (Appl. No. 00-1023); APN: 045-140-210; Zoned: R-1A; CEQA Status: Exempt; CJW Architecture (Applicant); Mr. and Mrs. David Hawley (Owners)

Chair Parsons announced that the public hearing would be continued to July 5, 2000. Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Mathewson, seconded by Commissioner Petersen to continue the public hearing to July 5, 2000. The motion passed.

Principal Planner de Melo stated that he would give the Commissioners revised plans for this project at the end of the meeting so that the Commission would have a full two weeks for review. He said that he would also distribute revised plans for the Sprint application for their proposed antennas.

Public Hearing - 1240 Avon St.; To consider a design review of a 1,491 sq. ft. addition to an existing 1,336 sq. ft. single-story single-family residence to include 509 sq. ft. on the ground floor and a new 982 sq. ft. second story (Appl. No. 00-1043); APN: 044-322-410; Zoned: R-1C; CEQA Status: Exempt; S. J. Sung & Associates (Applicant); Irene Hu (Owner)

Principal Planner de Melo presented the staff report recommending approval.

Commissioner Peirona arrived at 7:15 p.m. and wanted it noted that he had a new grand nephew.

Principal Planner de Melo stated that the applicant was not present, probably because he thought their item would not be discussed until after item #6C and added that the main issue was probably the impact of the project on the pine tree in the rear and the maple tree in the front.

Chair Parsons opened the public hearing. No one came forward to speak.

MOTION: By Commissioner Peirona, seconded by Commissioner Purcell to close the public hearing. The motion passed.

Commissioner Purcell was concerned with the mass of the walls on both sides of the enlargement and would like to see some articulation.

Principal Planner de Melo stated that staff did not receive any comments on the proposal from the adjacent neighbors and added that he drove down the street and felt that the addition would blend in with the neighborhood and would not be a view issue.

Chair Parsons noted that one of the photographs of the front view of the house showed the pine tree in the back and should not be an issue.

MOTION: By Commissioner Peirona, seconded by Commissioner Petersen to approve Resolution No. 2000-33 approving a design review application for a single-family residential addition at 1240 Avon Street:

AYES: Petersen, Mathewson, Purcell, Peirona, Parsons

ABSENT: Wiecha

Chair Parsons announced that the Commission's decision could be appealed to the City Council within ten days.

Continued Public Hearing - 1540 Ralston Av. (Notre Dame High School Sisters' Residence); To consider a detailed development plan for a three-story, 33,179 sq. ft. building which includes 24 residential units, offices, a kitchen, chapel, beauty salon, archives, conference room, and therapy room (Appl. No.

00-1024); APN: 044-360-060; Zoned: P.D.; CEQA Status: Approved Mitigated Negative Declaration; Marchetti Construction (Applicant); Notre Dame High School (Owner)

Commissioner Petersen recused herself, stepped down from the dais, and sat in the audience. Senior Planner Livingstone presented the staff report recommending approval.

Michael Roach, Marchetti Construction, applicant, thanked staff for their help in working out some of the problems. He read a statement which stated that the Notre Dame campuses in Belmont were three separate independent corporations (the college, the high school and the elementary school) and that each institution held title to its land separately and was governed by a separate board of directors, and each institution was sponsored by the Sisters of Notre Dame. These four entities had a legal, social, and historic relationship. The college, the high school, and the Sisters' were individually seeking planning approvals.

Eduardo Caseres, Kodama Diseno, project architect, explained the revisions which had been made to the appearance of the proposed project.

Commissioner Purcell questioned the wording in the grading plan which stated that the grading permit was conditioned on the issuance of a hauling permit, if required, stating that she understood that there would be no export or import of soil for the grading. Senior Planner Livingstone replied that was a standard condition in the event a hauling permit was required.

Chair Parsons asked if the 1,500 sq. ft. of soil was spread out throughout the whole complex. Mr. Caseres responded that the area under the building that was on top of the bank of the College Way had to be filled when the building site was moved.

Mr. Roach referred the Commission to condition #I.A.9 asking if this was a separate agreement and, if it was, he felt it was redundant, noting that the same wording was also in the recorded concept plan. Senior Planner Livingstone stated that staff felt the condition should remain in order to assure that it would take place. Commissioner Peirona asked if there was anything that legally prevented the Sisters from removing the eucalyptus trees. Senior Planner Livingstone responded that they

were not protected trees and Chair Parsons added that there should not be a problem in just signing an agreement that could be recorded on the deed.

Mr. Roach stated that, since they just completed installing a new above-ground transformer standpipe for the high school and the Sisters' residence, they would like to have the wording "located in underground vaults, if possible" or stricken and replaced by a new sentence reading "These structures shall be located in an area with reduced public view" since it was already built on a previous permit. Principal Planner de Melo stated that staff did not have a major concern with the proposed language, but stressed to the applicant that if it was going to be an above-ground transformer standpipe, the structures must be fully screened, suggesting incorporation of a trellis material. Mr. Roach stated that it was not screened and was not visible from a public right-of-way from the middle of the property, and the next two would be right on the edge of the 25' creek setback. He added that the State Fish and Game advised that a permit was not necessary to build it there. City Attorney Savaree stated that, since these were already built, the best way to address this condition would be to acknowledge they were already built and if the Commission wanted them screened it should be included as a condition of approval. Principal Planner de Melo added that staff recognized that since the equipment was already

built above ground, he understood that trying to make that an underground facility would be onerous, but if there was a need for a back-flow preventer or other construction, staff would like it to be below ground. It was stated that they did not have a problem with the back-flow preventers but the PG&E equipment would be a major issue. Chair Parsons suggested that the present language should be deleted and requested that it be screened.

Mr. Roach referred the Commission to Page 3, condition #I.B.1, asking that "chain link fencing" be deleted and replaced with "international orange barrier fencing". There was no objection to this change from the Commission.

Referring to Page 4, condition #II.A.1., Mr. Roach asked that "prior to any work in the public right-of-way" be added to the first sentence, since they were still negotiating with Public Works on some items but wanted to be able to pull the building permit before they had their encroachment permit.

On pages 5 and 6, condition #II.A.18, Mr. Roach asked for deletion of the last sentence, which stated that "mitigation measures may be required to upgrade the City system." He did not believe that this condition applied to other larger projects in the past, and wondered what it meant, at least in the minds of staff. City Attorney Savaree stated that part of the problem was found in the condition, which indicated that the system had to be analyzed first, but she saw no problem with inserting the word "reasonable." She added that there needed to be a nexus between what was being requested, what additional burdens the development would place on the system, but that a new development needed to pay its way.

On page 7, condition #II.A.27, Mr. Roach asked that, since the Creek Management Plan was not delivered to them until April, the timing of this item be changed so that they could get their building permit and proceed. City Attorney Savaree advised that, from a staff perspective, that the change would load more risk on the developer and did not ultimately matter to the City.

Mr. Roach asked that condition #II.A.28 be removed as there was no way for them to do the calculations since City staff did not have the flows of their own City system. Principal Planner de Melo explained that staff would like to have the blessings of the Public Works Department to make sure that the wording was correct, reasonable mitigations were proposed based on this particular development and was not a burden for the applicant but was a nexus based on their development increase. It was asked when Public Works was going to do this and if it was a requirement that had to be done before the building permit was issued. He believed it needed to be addressed but he did not want to hold up the project. Principal Planner de Melo asked for clearance from the Commission to work with the Public Works Department and the applicant to address these two issues. He stated that the City did not want the condition of approval to be a burden for the applicant; there needed to be a correct nexus between what they were building and what impact there would be to the existing sewer capacity and staff would do everything possible to assure that it was a fair condition and a fair mitigation for their increased development for the site. He would like to leave it as it was with the caveat that they would all work together to come up with a reasonable solution to the problem. Commissioner Peirona stated that he definitely wanted the word "reasonable" inserted. Community Development Director Macris noted that it was not just the size of a development but there could be differences based on the particular location and condition of the area, but could say that the applicant shall provide a reasonable fair share of costs for necessary improvements to the capacity of existing sewers, etc. Mr. Roach added that his engineer had been working with Public Works and came up with a scheme to take care of the additional sewer

capacity coming out of the Sisters' residence. It would flow into the 15' pipeline off hours. Commissioner Purcell wanted the verb "addressed" changed to something a little more specific in future conditions.

Chair Parsons opened the public hearing. No one came forward to speak on the item.

MOTION: By Commissioner Peirona, seconded by Commissioner Mathewson to close the public hearing. The motion passed.

In response to Commissioner Purcell's question, Principal Planner de Melo replied that staff had not yet evaluated how recently transplanted trees were thriving. Commissioner Purcell asked that the City Arborist look at those projects and report back to the Commission on how they were thriving.

Commissioner Mathewson asked for clarification as to how condition #I.A.17 would be reworded. Principal Planner de Melo replied that, based on the discussion of the Commission, it sounded like fire standpipes, PG&E transformers and meter boxes would be above ground and the back-flow preventer devices would be below ground, and staff would like to have them screened with landscaping. Mr. Roach added that some of the transformers had not been installed but the pads were there.

Commissioner Purcell commented that the creek management plan referred to the placement of straw waffles to help reduce the velocity if water entered the creek but she did not feel it was good enough for non-point pollution sources, particularly run-off from parking lots, and that it should be part of the City's National Pollution Discharge Elimination System (NPDES) program. She would like to see it added specifically to the creek management plan that the City used the best management practices and oil separation inlets or infiltration basins or both. She directed staff to inquire the City's Arborist if white alders were native, and, if they were, she would like to see them added, but it was not necessary to add this to the conditions.

MOTION: By Commissioner Purcell, seconded by Commissioner Mathewson to approve Resolution No. 2000-33 approving a detailed development plan, conditional use permit, grading plan, tree removal permit, design review, and creek restoration plan for the Sisters' Residence at 1540 Ralston Avenue with all of the conditions and changes to the conditions and the changes to the creek management plan that had been discussed:

AYES: Mathewson, Purcell, Peirona, Parsons

ABSENT: Wiecha

RECUSED: Petersen

Chair Parsons announced that the Commission's decision could be appealed to the City Council within ten days.

At 8:24 p.m., Chair Parsons called for a recess. The meeting reconvened at 8:36 p.m. Chair Petersen returned to the dais.

Public Hearing - 1540 Ralston Avenue (Notre Dame High School); To consider a detailed development plan, conditional use permit, grading plan, tree removal permit, design review, and creek plan for a new gymnasium, swimming pool, conference rooms, classrooms, and remodel (Appl. No. 00-1007); APN: 044-360-060; Zoned: P.D.; CEQA Status: Approved Mitigated Negative Declaration; Marchetti Construction (Applicant); Notre Dame High School (Owner)

Commissioner Petersen recused herself, stepped down from the dais, and sat in the audience. Senior Planner Livingstone made two corrections to the staff report: 1) the date of the mitigated negative declaration should have been November 4th, and, 2) the Public Works Department asked that conditions of approval # 6 and 7 be deleted. He then presented the staff report recommending approval of the project and all of the associated entitlements.

Mr. Roach, applicant, again stated for the record that the Notre Dame campuses in Belmont represented three independent corporations (the college, the high school and the elementary school) and that each institution held title to its land separately and was governed by a separate board of directors, and each institution was sponsored by the Sisters of Notre Dame. These four entities had a legal, social, and historic relationship. The college, the high school and the Sisters were individually seeking planning approvals for separate development projects.

Bill Bondi, SMWM Architects, project architect, thanked the Planning staff, the Public Works Department, and the neighbors for all of the work put into the plans. He then reviewed the design elements of the project concluding that he felt the building would be a good fit for the campus architecturally and as an asset both to Notre Dame High School and the community at large.

Responding to Chair Parson's question, Senior Planner Livingstone stated that the project as presented would provide for 41 parking spaces in addition to the existing 196. This number did not include the overflow in the new area. Mr. Bondi added that there were three truck loading spaces that were not included in that count.

Mr. Roach stated that, for the most part, the requested changes were the same as those requested in item 6.B. above, except that condition #I.A.4 which read that "prior to any construction the applicant or its designated representative shall retain all of the required permits" and he would like to add "or as otherwise noted". Condition #I.A.5 regarding the change in the chain link fence would be the same as above, as would on page 3, condition #I.A.14 regarding the underground vault. On page 5, he asked that Condition II.B.8 be deleted. The condition asked the applicant to do work for the traffic mitigation that was going on between Ralston and South Road. He noted that they had already done two traffic reports that said that they would contribute no traffic impact. Senior Planner Livingstone stated that the Planning Division had no concerns about deleting this item. Also on page 5, Mr. Roach stated that condition #2.B.3 was incorrect; the proposed development did not require a State Water Resources Control Board permit in that they were disturbing much less than five acres. He asked that it be changed to read that "if required by the SWRCB they will get it before occupancy." Paragraph 4, add "if required" to the end of the sentence. He believed the Fish and Game permit would be required and asked that it be changed to "prior to occupancy." On page 6, condition #2.B.10, the applicant would like to delete the second sentence because there was no existing database for this. Principal Planner de Melo suggested that, as before, they agreed to work with the applicant and the Public Works Department to confirm that it was a reasonable and correct condition. Commissioner Purcell stated that the figures would probably be needed for the watershed area that drained into the creek for the NPDES. The Commission had no problems with these proposed changes.

Chair Parsons opened the public hearing.

Rick Naff, 1603 Belburn Dr., read a statement describing the gate that would be installed at Notre Dame Avenue and Belburn Drive. He stated that he represented his neighbors in the Belburn Neighborhood

Association and they heartily endorsed the statement and looked forward to having the gate in place on weekday evenings and weekends, except for the mentioned ten occasions. They looked forward to having the gate installed concurrently with the completion of the gym and gave special thanks to Rita Gleason and the fifteen families who had been involved in this process for the last three and a half years. They were glad that the long and difficult process was over and looked forward to having the gate in place.

Joy Silen, 1601 Robin Whipple Way, reiterated what was said before, especially thanking Rita Gleason and the Sisters of Notre Dame for sending a representative to a meeting with the neighbors and for listening to their concerns. It was her understanding that: 1) any property owner in Belmont who planned to build a large facility without adequate parking for maximum attendance would be required to request a variance, 2) under City codes, no variance could be granted if increased parking restricts traffic or endangered citizens, and 3) the projection for the gym suggested that 90 cars would be looking for parking not available near the gym. She felt that the neighborhood had the right and the civic responsibility to request that this potentially dangerous situation be mitigated but that some individuals supportive of the schools chose to vilify the neighborhood. One individual stated in public that they were stupid for having purchased homes in the neighborhood. They knew that some school parents were very unhappy with her neighbors and told them not to attend the negotiation meetings or their names would be recorded and their children would not be allowed to enter the school. She felt that the bullying tactic was not necessary and felt that it was a result of the portrayal of the neighborhood as unreasonable. She asked the school administrators, boards of directors and their corporate representatives to change the tenor of their relationship with the neighborhood and to communicate to their supporters that the people who lived in the proximity of the schools were not their enemies. The neighbors were extremely thankful to have worked out the agreement and looked forward to installation of the gate and the repair of their relationship with the school.

Noreen Browning, 2001 Lyon Av., thanked Mr. Marchetti for caring about the appearance of the project, but what she really cared about was a place for her children to play basketball or to swim. She also expressed thanks to Rita Gleason for having an open mind and patience as she felt that the way this was approached was embarrassing for her as a resident.

Hadi Saidi, 1232 North Rd., stated that this was a great lesson in civil duties and said that he brought his children to the meeting to experience the process. His children were Notre Dame students and had to go to cities outside of Belmont for basketball practice. He felt it was a great opportunity for them, hoped that the project would finish, and his children would be able to use it before they moved on.

MOTION: By Commissioner Peirona, seconded by Commissioner Mathewson to close the public hearing. The motion passed.

Chair Parsons stated for the record that he received an anti-E-mail from a Bernadette Spillane and said that he would give a copy to Recording Secretary Wong.

The Commission's comments included: was concerned with the parking and gate issues and was pleased that the school and the neighborhood worked out a compromise on the gate; was satisfied knowing now that the three Notre Dame entities were working much better together on the whole issue of parking, that there was adequate parking in the area to handle any event, and that the schools were not getting any larger in terms of the number of students but they were adding more parking spaces; asked

if there was any change in the amount of fill required for the finished partial basement; and noted that in the Creek Management Plan of the mitigation documents for the Sisters' Residence, that an on-going non-point source pollutants were only addressed during the construction period.

Mr. Bondi responded that the amount of fill remained the same; there was some fill because the floor level of the gym was equal to the floor level of the rest of the building but the front of the lobby was about three ft. above grade. He added that there would be some cut when they came back for a building permit for the pool. He believed that condition #II.A.18 addressed pollutants in the creek, and it stated "to control storm water pollution on a permanent basis".

MOTION: By Commissioner Mathewson, seconded by Commissioner Peirona to approve Resolution No. 2000-34 approving a detailed development plan, conditional use permit, grading plan, tree removal permit, design review, parking variance and creek restoration plan for the Notre Dame High School gym and pool expansion at 1540 Ralston Avenue with the changes that were made in the conditions for this project and the previous item:

AYES: Mathewson, Purcell, Peirona, Parsons

ABSENT: Wiecha

RECUSED: Petersen

Chair Parsons announced that the Commission's decision could be appealed to the City Council within ten days.

At 9:20 p.m., Chair Parsons called for a recess. The meeting reconvened at 9:25 p.m. Commissioner Petersen returned to the dais.

REPORTS, STUDIES, UPDATES, AND COMMENTS

ABAG Regional Housing Needs Determination Discussion

Interim Community Development Director Macris stated that this was presented for discussion purposes, and that the City had until the end of August to make comments back to ABAG, if any. It was based on a computation of what demand for housing there would be based largely on the job development projected for the General Plan. The total number of units projected over the planning period by ABAG was 317, broken down according to the need for the four income levels. Once the number was established, the City would be obliged to show how that housing could be accommodated in its housing element, which had to be updated next year. She included in the package a list of possible sites that could be considered when the housing element was updated, and explained how the numbers were arrived at. She was seeking comments as to whether or not they thought the numbers were reasonable. She believed that the total number of units, which was lower than what the projected capacity would be, was something that could reasonably be accommodated, but that the provision of the below-market rate units was going to create more of a challenge to the City. She presented a map showing the locations of the various development areas, and stated that their comments on the document were not approving the numbers; they were just to give some approximation of what kind of capacity the City had to meet its fair-share housing needs.

The Commission's comments included: suggested looking at the 317 units suggested by ABAG and eliminate discussion of the San Juan Hills; felt that ABAG needed to base its numbers not just on housing vs. jobs but also on recreational needs; and felt that the ice rink should be supported as a unique asset rather than filling the site with more housing.

Senior Planner Livingstone replied that the ice rink property was zoned for multi-family residential and was presently a non-conforming use. Chair Parsons suggested that the Commissioners make their detailed comments via e-mail to staff which would be forwarded to ABAG as one response.

Blockbuster Wall Construction/Max's Bistro Wall Construction

Chair Parsons showed pictures of the wall construction, which was started without figuring out how it would wrap around the corner, without looking at the existing utilities and using a different rock than the Commission had approved. He added that the Public Works Department was not happy with the bid that was received. He felt that the Commission should be able to provide guidance to the process and asked how that could be accomplished legally. The Commission concurred that they would like to see a proposal before any bids were accepted in that they never got a chance to approve the revised landscape plan or finish on the Blockbuster side. Principal Planner de Melo stated for the record that at the January 18th meeting they approved Option 1B, which called for a sandstone, either a smooth or rough surface, which incorporated a predominately medium warm gray, light warm gray and yellowish tan. The Commission agreed that they felt they should be able to do a design review on the project before it went for bid, plus the issue that the previous agreement about the landscaping had been completely ignored. Chair Parsons stated that the plans they approved on January 18th were for the Max's Bistro side of the wall but not for the Blockbuster side of the street. He added that he and Julie Woepke, the Economic Development Coordinator, had asked for drawings for two months, and the bid came in without a landscaping plan, no elevations to show how the wall would interface with the existing wall, how high it would be, whether there would be a name on the wall, whether there would be wrought iron on the top, or how the lamp sat on the top of the railing.

Street Trees Fronting the Village Center on El Camino Real

Chair Parsons stated that the previous Planning Director had told them that there would be additional street trees in the pavement along El Camino and the new walks were installed without any new trees. Commissioner Peirona expressed his concern about the landscaping for the whole intersection on all three corners and would like to have a status report.

Commissioner Purcell asked about the south side of Old County Road where the single pine tree was surviving somehow and she asked staff that the ground be aerated underneath it. Principal Planner de Melo stated that he had a discussion with the Public Works Department and learned that because the sidewalk improvements were more of the brick look it was easily remedied in terms of creating the actual tree grates for planting the trees 20 feet on center and staff would look at the improvements plans for the El Camino side and work with the Public Works Department to assure that the trees were planted according to the approved plans. Chair Parsons suggested that the trees did not have to be exactly 20' on center but verify that they were in a location that would have a minimal impact on the visibility of signage and where strollers and wheelchairs could still get by them.

Responding to Commissioner Mathewson's concern that the landscaping by the train station needed some attention, City Attorney Savaree agreed to determine who was responsible for the maintenance of the landscaping in that area.

The meeting adjourned at 9:50 p.m. to meet in a regular meeting on July 5, 2000.

Marjorie W. Macris, AICP

Interim Planning Commission Secretary